

# COMMITTEE AMENDMENT FORM

DATE: 04/26/ 05

COMMITTEE	<u>ZONING</u>	PAGE NUM. (S)
ORDINANCE I. D.	<u>#05-O-0311</u>	SECTION (S)
RESOLUTION I. D.	<u>#05-R-</u>	PARA.

AMENDS THE LEGISLATION BY ATTACHING TEN (10) CONDITIONS ON SEPARATE SHEETS.

AMENDMENT DONE BY COUNCIL STAFF 4/27/05

## **Conditions for Z-05-02**

### **3376 Peachtree Road**

1. Site plan titled Hotel & Residences, 3376 Peachtree Road, Atlanta, Georgia, by Smallwood, Reynolds, Stewart, Stewart & Associates, Inc. Architects, dated March 23, 2005, and stamped as received by the City of Atlanta Bureau of Planning on March 25, 2005.
2. Open space requirements shall be as shown on the site plan.
3. Walkways and other connective measures will be designed to connect and unify the development with existing and planned walkways along Stratford and Peachtree Roads to facilitate pedestrian movement and internal vehicle movements and parking as indicated on the site plan.
4. The development shall construct an underground storm-water retention facility located at the rear of the site.
5. No building permit (other than a permit limited to grubbing, grading, the installation of new or changes in modifications to existing site infrastructure, including alteration of existing interior roadways) shall be issued permitting the construction of any buildings without written assurance from the City of Atlanta's Commissioner of Public Works that sewer capacity is available and reserved for the site, or will be available to and reserved for the site prior to the completion of construction. Under no circumstances will a Certificate of Occupancy or temporary Certificate of Occupancy be issued unless sewer capacity is confirmed to be available and reserved for the site in writing by said Commissioner.
6. All dumpsters and service facilities shall be screened from street level and shall be located and accessed from the service drive.
7. There shall be no adult entertainment uses.
8. The applicant will not request any administrative site plan amendment which seeks to change any of the conditions contained herein without first giving notice of such request to the Chair of the Zoning Committee of NPU-B. However, the applicant will have the right to request administrative changes in the site plan without such notification so long as changes are required to comply with technical permitting requirements of the City of Atlanta and do not materially: (a) increase the height in stories or square footage of any building or the number of parking spaces; (b) change any of the uses or location of said uses specified on the site plan; (c) decrease any exterior setback or the amount of landscaped area; (d) reduce public access or public spaces; or (e) otherwise materially alter these conditions.

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**3376 Peachtree Road**

9. Square footage for the hotel and associated uses shall not exceed a combined total of 190,000 square feet and residential floor area shall not exceed a maximum of 178,000 square feet (calculated in accordance with Section 16-28.010(3) of the Zoning Ordinance of the City of Atlanta).
10. The total number of parking spaces on this site shall not exceed 260 spaces.

City Council  
Atlanta, Georgia

05-0-0311

AN ORDINANCE  
BY: ZONING COMMITTEE

Z—05-02  
Date Filed: 1-11-05

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the city of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **3376 Peachtree Road, N.E.** be changed from the C-3 (Commercial Residential) District to the PD-MU (Planned Development Mixed Use) District, to wit:

ALL THAT TRACT or parcel of land lying and being Land Lot 45, 17<sup>th</sup> District, Fulton County, Georgia, being more particularly described by the attached legal description.

SECTION 2. That this amendment is approved under the provisions of Chapter 19 entitled, "Planned Development District", and Chapter 19A through Chapter 19D (as applicable) of the Zoning Ordinance of the City of Atlanta, and the Director, Bureau of Buildings, shall issue a building permit for the development of the above described property only in compliance with the applicable provisions of these Chapters and with the attached conditions.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

**Conditions for Z-05-02 for 3376 Peachtree Road, N.E.**

1. Site plan titled Hotel & Residences – 3376 Peachtree Road, by Robert A.M. Stern Architects and Smallwood, Reynolds, Stewart, Stewart & Associates, Inc. Architects, dated March 23, 2005, and stamped as received by the City of Atlanta Bureau of Planning on April 4, 2005.
2. Provisions for maintaining the common areas, including open space and driveways, shall be through a homeowners association to be formed and created under terms and provisions of executed restrictive and protective covenants to be filed at the appropriate time.



## EXHIBIT A – LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 45, 17<sup>th</sup> District, Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at the intersection point of the Eastern right of way of Stratford Road and the Northern right of way of Peachtree Road and being the POINT OF BEGINNING; thence along the Eastern right of way of Stratford Road North 31 degrees 00 minutes 00 seconds West for a distance of 463.60 feet to a drilled hole found. Thence continuing along said (variable) right of way South 71 degrees 54 minutes 57 seconds West for a distance of 10.28 feet to a ½" rebar found. Thence continuing along said right of way North 31 degrees 14 minutes 18 seconds West for a distance of 49.84 feet to a ½" rebar found. Thence leaving said right of way North 72 degrees 16 minutes 08 seconds East for a distance of 155.40 feet to a ½" rebar set. Thence South 29 degrees 52 minutes 11 seconds East for a distance of 500.20 feet to a 2" open top pipe found on the Northern right of way of Peachtree Road. Thence along the Northern right of way of Peachtree Road (variable right of way) and following a curve to the left having a radius of 3,920 feet and an arc length of 107.61 feet, being subtended by a chord bearing of South 58 degrees 10 minutes 01 seconds West for a distance of 107.61 feet to a point. Thence along a curve to the right having a radius of 21.22 feet and an arc length of 36.19 feet, being subtended by a chord bearing of North 78 degrees 29 minutes 24 seconds West for a distance of 31.96 feet to a point on the Easterly right of way of Stratford Road and the Northern right of way of Peachtree Road, being the POINT OF BEGINNING.

Said property contains 70,909 square feet or 1.63 acres more or less and is more particularly depicted on that certain ALTA/ACSM Land Title Survey for Grove Street Partners, L.L.C. and Stratford Grove LLC and Commonwealth Land Title Insurance Corporation, prepared by W. K. Dickson Engineers, Planners and Surveyors, signed, sealed and certified by Louis J. Menchio, Jr., Georgia Registered Land Surveyor No. 1780, dated July 17, 2003, last revised June 30, 2004.

2-05-02

